

PATENT

App. No. AMAT/5006/CPII/B/PIS

REMARKS

This is intended as a full and complete response to the Final Office Action dated January 10, 2005, having a shortened statutory period for response set to expire on April 10, 2005. Claims 1-26 remain pending in the application and are shown above. Claims 1-26 stand rejected by the Examiner. In the specification, paragraphs have been amended to correct informalities. In addition, Claims 3-4, 6, 9-10, 12, 16-17, 19, 22-23, and 25 have been amended to correct informalities. Applicants submit that the amendment are supported by the specification and do not introduce new matter. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 1-26 stand rejected under 35 USC § 103(a) as being obvious over *Nguyen et al.* (US 5,925,189) in view of *Chen et al.* (US 6,267,820). The Examiner states that the prior art references used in the rejection, *Nguyen et al.* and *Chen et al.*, are available under 102 (a) where the filing date of the instant application is later than the publication date of the *Nguyen et al.* and *Chen et al.* patents. Applicants respectfully traverse the rejection.

The relevant reference date of *Chen et al.* under 35 U.S.C. § 102(a) is the issue date, July 31, 2001. Applicants respectfully submit herewith an inventor's declaration under 37 C.F.R. §1.131 in a separate paper. As shown in the declaration under 37 C.F.R. §1.131, the invention as presently claimed by Applicants was conceived prior to July 31, 2001, and filed with due diligence prior to July 31, 2001, to the filing of the patent application on November 21, 2001 Therefore, *Chen et al.* is not published prior to the invention or the subject matter of claims 1-26.

In addition, the relevant reference date of *Chen et al.* under 35 U.S.C. § 102(e) is the filing date, February 12, 1999. However, 35 USC § 103(c) disqualify *Chen et al.* as prior art by submitting a statement of common ownership. Applicants has previously submitted a statement of common ownership stating that the instant US patent application (Serial No. 09/991,317) and *Chen et al.* were, at the time the latter invention was made, owned by and subject to obligation of assignment to Applied Materials, Inc. of Santa Clara, California.

As stated by the Examiner, *Nguyen et al.* fails to teach one or more grids. Specifically, *Nguyen et al.* does not teach, show, or suggest one or more grids

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positioned in a liquid material inlet passage that is connected to a vaporization chamber, as recited in claims 1-26. Further, *Chen et al.* is not as prior art under 35 USC § 102(a)/103 or under 35 USC § 102(e)/103, for reasons discussed above. Withdrawal of the rejection over combination of *Nguyen et al.* and *Chen et al.* is respectfully requested.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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